

# **EXHIBIT**

# **F**

**Prame, Michael**

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**From:** Cortes, Jessica Golden (x2017) [jgcortes@pbwt.com]  
**Sent:** Thursday, August 26, 2004 9:42 PM  
**To:** Prame, Michael  
**Cc:** Haas, Erik (x2117)  
**Subject:** RE: In re Pharmaceutical Industry Average Wholesale Price Litigation

**Follow Up Flag:** Follow up  
**Flag Status:** Red

Good evening Mike,

In our July 30 discussion, you indicated that the Lupron production that you have agreed to produce to us would include at least some of the representative sample of provider contracts we have requested. In the effort to cut down on the time and costs associated with your collection of provider contracts per the below email, can you please produce your Lupron production to us now so that we can review it and, at the very least, cut down on the types of provider contracts we would then need to request from you independently?

Further, as you indicated in your August 9 letter to me, in addition to the Lupron production, you are also prepared to produce group insurance contracts, certificates of coverage, prescription drug riders.

As we had previously agreed on a rolling production, I would appreciate if you could produce all of these documents now, and then we can revisit the provider contract issue at a later time as necessary.

Please confirm your receipt of this email and let me know if there are any problems with this proposal.

Thanks,  
Jess

Jessica Golden Cortes, Esq.  
Patterson, Belknap, Webb & Tyler LLP  
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-----Original Message-----

**From:** Prame, Michael [mailto:mprame@groom.com]  
**Sent:** Wednesday, August 25, 2004 6:03 PM  
**To:** Cortes, Jessica Golden (x2017)  
**Subject:** RE: In re Pharmaceutical Industry Average Wholesale Price Litigation

Jessica --

During our August 13 call, we discussed the various categories of provider contracts and the document retrieval issues that United would face in producing 75-100 provider contracts. I asked you to confirm that, despite these issues, you still wanted examples from each category of provider contract for the period 1997 through 2003. You confirmed that you did on August 17.

As to the time estimate, you will recall from our discussion that the provider contracts are not centrally stored, but rather the production needs to be coordinated through local United health plans all across the country. Contracts, especially those in the earlier years, are generally stored

offsite.

Moreover, as to commercial contracts with individual providers and provider groups, United moved away from capitated arrangements four or five years ago. The offsite records that are being retrieved will need to be manually searched to find examples of capitated arrangements that were entered into between 1997 and 2000.

Further, as we discussed, there are a variety of ways a hospital can be compensated. Contracts will have to be manually reviewed to determine the type of payment arrangement used so as to ensure that United does not produce examples of only a few of the types of possible payment arrangements with hospitals.

In addition, I understand that significant time will need to be spent attempting to identify providers who were in the Medicare network in the earlier years. Once identified, records will need to be retrieved from offsite and manually reviewed. Additional time also will need to be spent identifying the jurisdictions in which a Medicaid product was offered and, thereafter, identifying and locating contracts for the providers who provided such services.

Defendants' requirement that we produce only copies of the documents with actual signatures also added time as it did not allow United to produce computer generated versions.

Mike Prame

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Washington, DC 20006  
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-----Original Message-----

**From:** Cortes, Jessica Golden (x2017) [mailto:jgcortes@pbwt.com]

**Sent:** Monday, August 23, 2004 10:15 PM

**To:** Prame, Michael

**Subject:** RE: In re Pharmaceutical Industry Average Wholesale Price Litigation

Good evening Mike,

Thanks for your email. With respect to your time estimate for the collection of provider contracts, can you please provide further details on why you believe it will take 250 hours to collect and copy 75 contracts? This number seems extremely high to me and we would like to resolve this issue without having to involve the judge.

Thanks in advance for the explanation.

Regards,  
Jess

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-----Original Message-----

**From:** Prame, Michael [mailto:mprame@groom.com]  
**Sent:** Monday, August 23, 2004 9:51 AM  
**To:** Cortes, Jessica Golden (x2017)  
**Cc:** Haas, Erik (x2117); Mangi, Adeel A. (x2563)  
**Subject:** RE: In re Pharmaceutical Industry Average Wholesale Price Litigation

Jessica --

It looks like we should be able to begin a rolling production this week. I wanted to let you know that, as to the provider contracts, it is estimated that 250 man hours will be incurred in identifying and pulling the contracts for production.

MJP

-----Original Message-----

**From:** Cortes, Jessica Golden (x2017) [mailto:jgcortes@pbwt.com]  
**Sent:** Tuesday, August 17, 2004 10:24 AM  
**To:** Prame, Michael  
**Cc:** Haas, Erik (x2117); Mangi, Adeel A. (x2563)  
**Subject:** RE: In re Pharmaceutical Industry Average Wholesale Price Litigation

Good morning Mike,

I hope you're doing well. During our conversation on August 13, I agreed to get some answers for you on a number of production-related questions. Below is a list of the questions, with the answers following in bolded red:

(1) Does United need to produce final, signed versions of contracts, or can they produce unsigned versions if they agree to represent that these were the final versions ultimately signed?

**Final signed copies are necessary, unless they do not exist.**

(2) In the Lupron production, United redacted out provider names. Can this be done here too?

**No redactions of provider names.**

(3) Is production of 75-100 contracts acceptable? Of these, how many of each category of contract do we want? Estimate from United is that it would take one month to collect 75 contracts.

**75 to 100 is acceptable, as long as it is representative of samples over time, type of entity, geographic area, etc. Regarding the hierarchy of contract type, we want all PBM contracts, then provider/pharmacy agreements, then client contracts.**

**Regarding the length of time for production, one month is too long given the significant amount of time the subpoena has been outstanding. Please, in the alternative, make rolling productions that should commence as soon as possible.**

(4) Regarding simultaneous compliance with the Arizona subpoena, should United reach out to its AZ entity regarding contract samples and template certificates of coverage? Should the random sample of 10/year group insurance contracts include Arizona-specific contracts?

**Please reach out to the Arizona entity and include Arizona contracts in your production. Please produce on a rolling basis.**

(5) Deposition dates. Is there an option to proceed by affidavit in lieu of deposition?

**Affidavits are a possibility for the collateral issues. However, please also proffer a representative for deposition that is knowledgeable on as many issues as possible, and is educated about the remaining issues by those with knowledge.**

Thanks,  
Jess

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-----Original Message-----

**From:** Prame, Michael [mailto:mprame@groom.com]

**Sent:** Friday, August 13, 2004 11:44 AM

**To:** Cortes, Jessica Golden (x2017)

**Subject:** RE: In re Pharmaceutical Industry Average Wholesale Price Litigation

### **Diagnosis Related Group (DRG)**

**Definition:** a case-mix classification system that groups together patients who are similar clinically in terms of diagnosis and treatment, and in their consumption of hospital resources, thus allowing comparisons of resource use across hospitals with varying mixes of patients. This system is used primarily in the US as a method of funding hospitals.

-----Original Message-----

**From:** Cortes, Jessica Golden (x2017) [mailto:jgcortes@pbwt.com]

**Sent:** Thursday, August 12, 2004 2:40 PM

**To:** Prame, Michael

**Subject:** RE: In re Pharmaceutical Industry Average Wholesale Price Litigation

Does 11am work for you?

I actually was also about to place a call to you regarding your August 9 letter and proposals. We can talk further tomorrow, but I wanted to make sure that this proposal also takes into account production responsive to the Swanston subpoena. This was not expressly mentioned in your letter.

Thanks,  
Jess

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-----Original Message-----

**From:** Prame, Michael [mailto:mprame@groom.com]  
**Sent:** Thursday, August 12, 2004 1:47 PM  
**To:** Cortes, Jessica Golden (x2017)  
**Subject:** RE: In re Pharmaceutical Industry Average Wholesale Price Litigation

Do you have time tomorrow to discuss the sample of provider contracts?

Mike Prame

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-----Original Message-----

**From:** Cortes, Jessica Golden (x2017) [mailto:jgcortes@pbwt.com]  
**Sent:** Wednesday, August 04, 2004 11:59 AM  
**To:** Prame, Michael  
**Cc:** Mangi, Adeel A. (x2563); Haas, Erik (x2117)  
**Subject:** In re Pharmaceutical Industry Average Wholesale Price Litigation

Good morning Mike,  
Further to our conversation yesterday afternoon and to facilitate your search and collection of relevant claims data, attached please find a list containing the subject drugs at issue in the litigation by NDC and by J-Code, where applicable.

Regards,  
Jess

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<<Final NDC and J Code List.XLS>>